




State of Louisiana
STATE LICENSING BOARD FOR CONTRACTORS

December 2, 2015

TO: The Honorable John A. Alario, President, Louisiana State Senate
The Honorable Chuck Kleckley, Speaker of the House of Representatives
The Honorable Daniel "Danny" Martiny, Chairman, Senate Committee on Commerce,
Consumer Protection, and International Affairs
The Honorable Kirk Talbot, Chairman, House Commerce Committee

FR: Judy Dupuy, Board Administrator 

RE: Summary Report

In Accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) as amended, the Louisiana State Licensing Board for Contractors (LSLBC) published a call for comments for proposed rules through its authority granted in R.S. 37:2150-2192 in the October 20, 2015 issue of the *Louisiana Register*, (Vol. 41, No.10, page 2206-2207). The LSLBC received no written comments or requests for a hearing. The final rule for publication is attached, and will become effective January 20, 2016.

This rule creates specialty classifications under the residential license as well as labor-only residential specialties.

If you have any questions, please feel free to contact me at 225-763-3982.

Public Comments

The domicile office of the Louisiana State Racing Commission is open from 8 a.m. to 4:30 p.m., and interested parties may contact Charles A. Gardiner III, Executive Director, or Larry Munster, Assistant Executive Director, at (504) 483-4000 (holidays and weekends excluded), or by fax (504) 483-4898, for more information. All interested persons may submit written comments relative to this proposed Rule for a period up to 20 days exclusive of weekends and state holidays from the date of this publication to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5100.

Charles A. Gardiner III
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Jockey Apparel Advertising

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will not result in any costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change could impact jockeys racing in the state of Louisiana by allowing them the opportunity to increase their financial earnings by placing advertisements on their racing attire. This rule sets criteria for advertising on a jockey's racing attire and allows stewards the ability to disqualify jockeys for any advertising deemed inappropriate, indecent, in poor taste, or controversial.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment as a result of the proposed administrative rule change.

Charles A. Gardiner III
Executive Director
1510#001

Evan Brasseaux
Staff Director
Legislative Fiscal Office

~~NOTICE OF INTENT~~ **RULE**

Office of the Governor Licensing Board for Contractors

Specialty Classifications and Labor Only (LAC 46:XXIX.1515 and 1517)

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, and through the authority granted in R.S. 37:2150-2192, which is the Contractor Licensing Law, the Licensing Board for Contractors (LSLBC) hereby ~~gives notice of its intent to update~~ its rules and regulations regarding contracting matters under the jurisdiction of the LSLBC. **amends and adopts**

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXIX. Contractors

Chapter 15. Residential

§1515. Specialty Classifications

A. Any corporation, partnership, or individual who, for a price, commission, fee, wage or other compensation undertakes or offers to undertake or superintend the following work as it relates to the construction of any building or structure that is not more than three floors in height, to be used by another as a residence, where the value of work exceeds \$7,500, including labor and materials, is required to obtain a specialty classification for that work:

1. residential pile driving;
2. residential foundations;
3. residential framing;
4. residential roofing;
5. residential masonry/stucco;
6. residential swimming pools.

B. Any contractor who seeks to obtain such a specialty classification must, in addition to all other application or licensing requirements, designate a qualifying party who successfully passes the business and law exam and the trade exam for the respective specialty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 42:

§1517. Labor Only

A. In lieu of obtaining a specialty classification required under §1515, a subcontractor who provides labor only and does not supply materials may obtain a subcontract-labor-only specialty classification for work performed under the direct supervision of a licensed residential building contractor. To obtain such a specialty classification, the subcontractor must:

1. complete and submit the form prescribed by the board for the subcontract-labor-only specialty classification;
2. submit an affidavit (on the form prescribed by the board for the subcontract-labor-only specialty classification) that is executed by a licensed residential building contractor who holds at least one contract with the subcontractor and that attests to the subcontractor's quality of work and character; and
3. successfully pass the law, rules and regulations exam.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2192.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 42:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Statement

The proposed Rule will have a minimal impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no known impact on providers of services for individuals with developmental disabilities.

Public Comments

Interested persons may submit written comments on the proposed regulations to the Licensing Board for Contractors, attention Judy Dupuy, Board Administrator, 2525 Quail Drive, Baton Rouge, LA 70808, through November 20, 2015.

Public Hearing

If it becomes necessary to convene a public hearing to receive comments, in accordance with the Administrative Procedures Act, a hearing will be held December 4, 2015 at 9:30 a.m. at the Louisiana State Licensing Board for Contractors at 2525 Quail Drive, Baton Rouge, LA 70808.

Michael McDuff
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Specialty Classifications and Labor Only

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is anticipated to require 2 additional staff members in the applications and compliance sections to meet the demands of the additional applications. Personal services expenses associated with this increase are estimated to be \$77,400 in salary and related benefits annually for one new compliance office at the beginning of CY 2016 and \$65,700 in salary and related benefits annually for a new application staff member in CY 2018. The salaries and related benefits for CY 18 will total approximately \$143,000. The remaining expenditures are associated with normal processing costs needed to complete the certification application.

The implementation of the proposed rule will provide additional revenues to the State Licensing Board for Contractors (LSLBC) which will be utilized to offset any additional expenses incurred in complying with the new requirements. The proposed rule change requires contractors to obtain specialty classifications for certain residential projects when those projects exceed \$7,500 in cost. The classifications include the following types of projects: pile driving, foundation work, framing, roofing, masonry/stucco, and swimming pools. This proposed new rule will have no impact on costs (savings) to local government units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The revenues of the Louisiana State Licensing Board for Contractors will increase from additional licensing fees. The

Board anticipates 300 new applications annually for the first 3 years at a cost of \$460 per application. Each application provides for one of the classifications listed, should the contractor apply for multiple classifications from the list, there will be an additional \$95 fee for each classification up to 5. After 5 classifications there will be no additional charge. The Board also anticipates an annual renewal rate of 90% in subsequent years at a cost of \$125 for the first classification and \$95 for any additional classification up to 5. The increase in annual revenue projections is anticipated to be approximately \$138,000 in FY 16, \$141,000 in FY 17, and \$207,000 in FY 18.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will likely be increased costs to contractors as result of the proposed rule change. If the value of work exceeds \$7,500 in the following areas, the contractor will be required to apply for residential specialty classifications: pile driving, foundation work, framing, roofing, masonry/stucco, and swimming pools.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may discourage contractors from performing the type of work listed above should the costs to obtain the classification prove to be too prohibitive.

Judy Dupuy
Board Administrator
1510#041

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Real Estate Commission**

Disbursement of Escrow Deposits (LAC 46:LXVII.2901)

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Real Estate Commission has initiated procedures to amend LAC 46:LXVII.Subpart 1.2901. The purpose of the proposed Rule change is to reduce the timeline for settling deposit disputes in a real estate transaction from 90 to 60 days.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVII. Real Estate

Subpart 1. Real Estate

Chapter 29. Disbursement of Escrow Deposits

§2901. Escrow Disputes

A. When a dispute exists in a real estate transaction regarding the ownership or entitlement to funds held in a sales escrow checking account, the broker holding the funds shall send written notice to all parties and licensees involved in the transaction. Within 60 days of the scheduled closing date or knowledge that a dispute exists, whichever occurs first, the broker shall do one of the following:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:44